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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**  
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE  
16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,  
18 LLC,

19 USA CAPITAL DIVERSIFIED TRUST  
20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED  
22 FUND, LLC,<sup>2</sup>

23 USA SECURITIES, LLC,<sup>3</sup> Debtors.

24 **Affects:**

25  All Debtors  
26  USA Commercial Mortgage Company  
27  USA Capital Realty Advisors, LLC  
28  USA Capital Diversified Trust Deed Fund, LLC  
29  USA Capital First Trust Deed Fund, LLC  
30  USA Securities, LLC

31 Case No. BK-S-06-10725-LBR<sup>1</sup>  
32 Case No. BK-S-06-10726-LBR<sup>1</sup>  
33 Case No. BK-S-06-10727-LBR<sup>1</sup>  
34 Case No. BK-S-06-10728-LBR<sup>2</sup>  
35 Case No. BK-S-06-10729-LBR<sup>3</sup>

36 **CHAPTER 11**

37 Jointly Administered Under Case No.  
38 BK-S-06-10725 LBR

39 **NOTICE OF HEARING REGARDING**  
40 **TWENTIETH OMNIBUS OBJECTION**  
41 **OF USACM LIQUIDATING TRUST**  
42 **TO DOUBLE COUNTED CLAIMS**

43 Date of Hearing: October 19, 2009

44 Time of Hearing: 3:00 p.m.

45 The USACM Liquidating Trust believes that your claim is currently listed  
46 incorrectly in the Claims Registry. The amount listed is double the amount you included  
47 in your proof of claim as your actual intended total claim. **THUS, THE USACM**

48 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

49 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

50 <sup>3</sup> This bankruptcy case was closed on December 21, 2007.

51 **EXHIBIT 1**

1 **LIQUIDATING TRUST IS PRESENTLY OBJECTING ONLY TO THAT**  
2 **PORTION OF YOUR CLAIM, AS LISTED IN THE ATTACHED EXHIBIT A,**  
3 **THAT WAS DOUBLE COUNTED OR THAT OTHERWISE EXCEEDS THE**  
4 **AMOUNT OF THE CLAIM YOU FILED.**

5 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
6 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
7 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
8 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**  
9 **GROUP, LLC (602) 424-7009 OR THE UNDERSIGNED COUNSEL.**

10 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
11 Twentieth Omnibus Objection of the USACM Liquidating Trust to Double Counted  
12 Claims (the “Objection”). Your Proof of Claim number and other information regarding  
13 your claim, including the double counted amount that is subject to the objection, is  
14 provided in **Exhibit A**, attached. The USACM Liquidating Trust has requested that this  
15 Court enter an order, pursuant to Bankruptcy Code § 502 and Bankruptcy Rule 3007,  
16 disallowing the portion of your Proof of Claim to the extent it is double counted.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
20 **October 19, 2009, at the hour of 3:00 p.m.**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON OCTOBER**  
22 **19, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
26 by **October 9, 2009**, pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: September 18, 2009.

LEWIS AND ROCA LLP



By /s/ Marvin Ruth (#10979)

Rob Charles, NV 6593

John C. Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Liquidating Trust

Copy of the foregoing and pertinent portion of Exhibit A mailed by first class postage prepaid U.S. Mail on September 18, 2009 to:

Parties listed on Exhibit A attached.

LEWIS AND ROCA LLP



/s/ Leilani Lista  
Leilani Lista

**Exhibit A**  
**TWENTIETH OMNIBUS OBJECTION OF USACM LIQUIDATING TRUST**  
**TO DOUBLE COUNTED CLAIMS; AND CERTIFICATE OF SERVICE**

**Proofs of Claim Asserting Duplicate Amounts**

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicate Amount
ROBERT WILLIAM ULMIRA	PENSCO TRUST COMPANY CUSTODIAN 414 MORNING GLORY RD ST MARYS GA 31558	10725-02090	1,415,506.00	707,753.00
ROGERS, JAMES WILLIAM	78 SEAL ROCK DR SAN FRANCISCO CA 94121	10725-02220	613,040.12	306,520.06
ROISENTUL FAMILY TRUST	SAUL & ILÈNE ROISENTUL TRUSTEES 74075 KOKOPELLI CIR PALM DESERT CA 92211-2075	10725-02281	840,536.32	420,268.16
ROMONOSKI, MAURY	4429 PEACEFUL MORNING LN LAS VEGAS NV 89129	10725-02331	250,000.00	125,000.00
RUTH ZIMMERMAN & MOSHE KIRSH	15721 MILBANK ST ENCINO CA 91436	10725-02033	244,311.94	122,155.97
JTWROS	PO BOX 18220 RENO NV 89511-0270	10725-02043	24,064.98	12,032.49
SALVO, ANNE F DI	5713 N WHITE SANDS RD RENO NV 89511	10725-02217	694,063.90	347,031.95
SANCHEZ IRA, RANDY	RANDY M & SHARON SANCHEZ TTEES 5713 N WHITE SANDS RD RENO NV 89511	10725-02218	554,132.98	277,066.49
SANCHEZ LIVING TRUST DTD 10/13/03	ARTHUR F & LINN S SCHNITZER TTEES 20155 NE 38TH CT, #1604 AVVENTURA FL 33180	10725-02149	3,549,806.80	1,774,903.40
SCHOONOVER FAMILY TRUST DATED 2/23/04	EDWARD L & SUSAN A SCHOONOVER CO-TTEES 11044 E. NOPAL AVE MESA AZ 85209	10725-02135	269,449.00	134,724.50

**File a Notice:****06-10725-lbr USA COMMERCIAL MORTGAGE COMPANY**

Type: bk Chapter: 11 v Office: 2 (Las Vegas)  
Assets: y Judge: lbr  
Case Flag: EXHS, BAPCPA, LEAD, JNTADMN, APPEAL, Sanctions

**U.S. Bankruptcy Court****District of Nevada****Notice of Electronic Filing**

The following transaction was received from MARVIN C. RUTH entered on 9/18/2009 at 4:37 PM PDT and filed on 9/18/2009

**Case Name:** USA COMMERCIAL MORTGAGE COMPANY

**Case Number:** 06-10725-lbr

**Document Number:** 7534

**Docket Text:**

Notice of Hearing *REGARDING TWENTIETH OMNIBUS OBJECTION OF USACM LIQUIDATING TRUST TO DOUBLE COUNTED CLAIMS* Hearing Date: 10/19/2009 Hearing Time: 3:00PM with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST (Related document(s)[7533] Objection filed by Interested Party USACM LIQUIDATING TRUST) (Attachments: # (1) Exhibit A) (RUTH, MARVIN)

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** H:\PDF\objections\TWENTIETH.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=989277954 [Date=9/18/2009] [FileNumber=13614605-0] [25488635a9b6cd46236604b6e9dfad5f4e2b506f08397bd5849c3ad519003cadac431d3b9b891920c802a04484f26efc7a66e4733ccf0a160cff4a6af39b015c]]

**Document description:** Exhibit A

**Original filename:** H:\PDF\objections\EXA\_20.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=989277954 [Date=9/18/2009] [FileNumber=13614605-1] [a2d7059ec3a78ceb73eb8ed4e70a49def879cc098c45593224ba92fe7348d37cf88d39a84f4ab53be66c03b8f52cdf16a11eb4bfef5f5a84bf77977c7e0e89a6]]

**06-10725-lbr Notice will be electronically mailed to:**

MICHELLE L. ABRAMS on behalf of Cross Defendant ROCKLIN/REDDING LLC  
mabrams@abramstanko.com

FRANKLIN C. ADAMS on behalf of Creditor JAMES CORISON  
franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com